

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AARON R. DARE,

Petitioner,

v.

1:06-CR-429 (LEK)

UNITED STATES OF AMERICA,

Respondent.

DECISION and ORDER

On November 13, 2006, Petitioner Aaron R. Dare pled guilty to a three-count information charging him with wire fraud, causing false statements to be made on HUD-insured loans, and mortgage fraud conspiracy. On September 18, 2008, Petitioner was sentenced to 63 months imprisonment, three years supervised released post-incarceration, special conditions, a special assessment and restitution. On December 12, 2008, Petitioner moved to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255. Dkt. No. 41. Petitioner also filed a Motion to proceed *in forma pauperis*. Dkt. No. 42. There is no filing fee required for § 2255 petitions. However, the granting of *in forma pauperis* status may enable the Petitioner to avoid other fees, such as fees for the production of transcripts related to his case.¹

¹28 U.S.C. § 753(f) provides that:

Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.

Based upon a review of the Petitioner's *in forma pauperis* declaration, the Court concludes that Petitioner may properly proceed with this matter *in forma pauperis*.

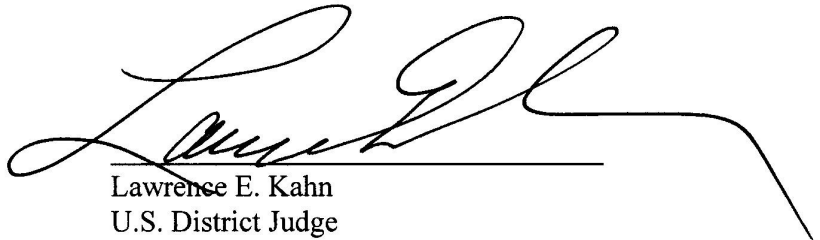
For the foregoing reasons, it is hereby

ORDERED, that Petitioner Aaron R. Dare's application to proceed *in forma pauperis* (Dkt. No. 42) is **GRANTED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties.

IT IS SO ORDERED.

DATED: January 07, 2009
Albany, New York



Lawrence E. Kahn
U.S. District Judge